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Washington, D.C. 20554

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June 5, 2009

In Reply Refer to:  
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10 East Fourth Street  
P.O. Box 113  
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In re: **WJKN(AM), Jackson, MI**  
**Facility ID No. 53291**  
File No. BP-20060627ACB

**KTGG(AM), Okemos, MI**  
**Facility ID No. 61993**  
File No. BP-20080124ACW

**Minor Change Applications**

Dear Counsel:

We have before us: (1) the referenced application, as amended, filed by Spring Arbor University ("SAU"), for minor change to the facilities of Station WJKN(AM), Jackson, Michigan (the "WJKN Application");<sup>1</sup> and (2) the referenced application, as amended, also filed by SAU, for minor change to the facilities of Station KTGG(AM), Spring Arbor, Michigan (the "KTGG Application"). The WJKN Application and KTGG Application are accompanied by an Interference Reduction Agreement ("IRA") regarding the two applications, originally submitted on November 6, 2008, and amended finally on February 18, 2009.<sup>2</sup> For the reasons set forth below, we approve the IRAs and grant the amended WJKN and KTGG(AM) Applications.<sup>3</sup>

<sup>1</sup>The WJKN(AM) Application proposes a new directional antenna located at the present licensed site of KTGG(AM). On March 4, 2009, Christian Family Network, Inc. ("CFN"), filed an Informal Objection ("Objection") to the WJKN Application requesting that final action on the WJKN Application be held in abeyance until the resolution of the pending renewal application and request for reinstatement of CFN's DWOLY(AM), Battle Creek, Michigan. SAU filed an Opposition on March 9, 2009. On May 27, 2009, the staff denied reconsideration of its finding that the DWOLY(AM) license had expired under 47 U.S.C. § 312(g). See *Letter to Lewis J. Paper, Esq., and Lauren A. Colby, Esq., from Peter H. Doyle, Chief, Audio Division*, DA 09-1161 (rel. May 27, 2009). Accordingly, we will dismiss the Objection.

<sup>2</sup> On February 12, 2009, we requested that further information be provided for the record to fully assess the IRA for its effects on the public interest. See *Letter to Lauren A. Colby, Esq.* (MB Feb. 12, 2008).

<sup>3</sup> Previously, on January 27, 2004, SAU filed a short-form auction window application (File No. BMJP-20040127ACZ) to change KTGG(AM)'s city of license and frequency to eliminate prohibited overlap between it and the WJKN(AM)'s proposed 25 mV/m contours. File No. BMJP-20040127ACZ was dismissed on December 19, 2007, pursuant to a settlement agreement granted by the staff between Kovas Communications, Inc. and SAU. On January 24, 2008, SAU filed the KTGG Application to change its community of license from Spring Arbor to Okemos, Michigan, change transmitter site and duplex with station WJIM(AM), Lansing, Michigan, and change operational facilities. The WJKN Application is contingent with the KTTG Application because the WJKN(AM) Application 25 mV/m contour overlaps the licensed 25 mV/m contour of KTGG(AM), and the KTTG(AM) Application would eliminate that overlap.

**Background.** WJKN(AM) is a Class D facility licensed to operate on 1510 kHz with a power of 5.0 kW daytime, employing a four-tower daytime-only directional antenna daytime antenna system. Station KTGG(AM) is licensed on 1540 kHz with a daytime power of 0.4 kW, employing a **non-**directional antenna system. In the IRA, the parties propose grant of the WJKN and KTGG Applications.<sup>4</sup> In the IRA, the parties contend that grant of the proposals will increase service from the stations, eliminate existing prohibited overlap to a substantial area and population, and will leave no area receiving fewer than five aural broadcast services.

**Discussion. *Interference Reduction.*** In recent years the Commission has acted to revitalize and improve the AM service.<sup>5</sup> As part of this effort, we permit licensees to reach agreements to modify facilities, reduce power or cancel their licenses in order to permit other licensees to improve service and to reduce overall interference.<sup>6</sup> In amending Section 73.3517 of the Rules<sup>7</sup> to permit contingent applications that would “reduce interference to one or more AM stations or . . . otherwise decrease the area of interference,” the Commission removed regulatory barriers that had previously prevented or discouraged individual AM licensees from entering into private agreements to decrease inter-station interference and improve the overall quality of AM service.<sup>8</sup>

When such contingent agreements are proposed that would involve the deletion or modification of existing AM stations, we must engage in a case-by-case public interest determination. In particular, the parties must demonstrate that a “local service floor” would remain in the community losing a local transmission service as a result of the proposed agreement.<sup>9</sup> The Commission did not choose to “establish a quantifiable service floor that can uniformly be applied with respect to the replacement of deleted facilities,” opting instead for the case-by-case approach. However, the Commission did determine that, at a minimum, an agreement that resulted in the deletion of a station could not create a “white” or “gray” area.<sup>10</sup>

When undertaking the case-by-case analysis, we generally consider four factors: the amount of AM interference that would be eliminated in relation to the number of AM and FM services remaining available to the areas that would lose service; the areas and populations that would gain service as a result of the proposed change; whether the proposal would create any white or gray areas; and the availability of

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<sup>4</sup> The IRA also proposes that SAU will surrender the KTGG(AM) license at the time the Station requests program test authority if the KTGG Application is not granted.

<sup>5</sup> See, e.g., *Review of the Technical Assignment Criteria for the AM Broadcast Service*, Report and Order, 6 FCC Rcd 6273 (1991), *recon. granted in part and denied in part*, 8 FCC Rcd 3250 (1993).

<sup>6</sup> *Policies to Encourage Interference Reduction between AM Broadcast Stations*, Report and Order, 5 FCC Rcd 4492 (1990) (“*Interference Reduction*”).

<sup>7</sup> 47 C.F.R. § 73.3517.

<sup>8</sup> *Interference Reduction*, 5 FCC Rcd at 4492.

<sup>9</sup> *Id.* at 4494.

<sup>10</sup> *Id.* A “white” area is one that receives no full-time aural service; a “gray” area receives only one full-time aural service. 47 C.F.R. § 73.14; *Interference Reduction*, 5 FCC Rcd at 4494 n.14.

AM and FM service in the area that will experience a reduction in service due to the proposed contingent facilities changes.<sup>11</sup> We will therefore examine the parties' IRA here in light of these four factors.

Reduction in Interference. The IRA states that the contingent filing of the WJKN and KTGG Applications will result in the elimination of 3,050.35 square kilometers of AM interference area, as defined by Section 73.37 of the Rules.<sup>12</sup> The IRA also states that AM interference for a total of 198,283 people will be eliminated by the WJKN(AM)/KTGG(AM) contingent filing. For instance, the IRA indicates that WJKN(AM)'s current signal interferes with three facilities and receives interference from two facilities.<sup>13</sup> KTGG(AM)'s signal currently interferes with two facilities and receives interference from one facility.<sup>14</sup> These overlaps will be completely eliminated by grant of the WJKN and KTGG Applications.<sup>15</sup>

Increased Service. The IRA indicates that the immediate WJKN(AM)/KTGG(AM) gain service areas resulting from the combined WJKN(AM)/KTGG(AM) contingent filing will permit a total of 172,557 more people within 3,268.32 square kilometers<sup>16</sup> to receive service than are currently within the stations' licensed service contours.<sup>17</sup>

Creation of "White" or "Gray" Areas. The IRA indicates that the proposal will not create any white or gray areas.

Local Service Floor. The IRA indicates that the areas subject to experience a loss of either the WJKN(AM) or KTGG(AM) signal will continue to receive primary service from at least five aural services.<sup>18</sup> Our analysis corroborates these claims. Thus, there is sufficient local service floor,

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<sup>11</sup> *Interference Reduction*, 5 FCC Rcd at 4494.

<sup>12</sup> 47 C.F.R. § 73.37.

<sup>13</sup> WJKN(AM)'s signal interferes with the signals of WMLM(AM), St. Louis, Michigan; WNWT(AM), Rossford, Ohio; and WLKR(AM), Norwalk, Ohio. The Station currently receives interference from WADM(AM), Decatur, Indiana and WBCO(AM) Bucyrus, Ohio. The IRA states that these areas of contour overlap will be totally eliminated. See WJKN Application, as amended, at Attachment 14, IRA at Exhibit 1.

<sup>14</sup> KTGG(AM)'s signal interferes with the signals of WBCO(AM), Bucyrus, Ohio and WADM(AM), Decatur, Indiana. KTGG(AM) receives interference from WBCO(AM). The IRA states that these areas of contour overlap will be totally eliminated. See KTGG Application, as amended, at Attachment 1, IRA at Exhibit 1.1.

<sup>15</sup> See WJKN Application, as amended, at Attachment 14, IRA at p.1.

<sup>16</sup> The IRA states that secondary gains in area and population will also be achieved through the reduction of existing interference and elimination of contour overlap to five stations: WMLM(AM), St. Louis, Michigan (9,430 more people within 422.21 kilometers); WNWT(AM), Rossford, Ohio (4,410 more people within 159.95 kilometers); WLKR(AM), Norwalk, Ohio (26,482 more people within 510.57 kilometers); WADM(AM), Decatur, Indiana (99,122 more people within 596.48 kilometers); and WBCO(AM), Bucyrus, Ohio (10,844 more people within 415.66 kilometers). See WJKN Application, as amended, at Attachment 14, IRA at p.3.

<sup>17</sup> Total combined *loss* area consists of 51,121 persons and 916.04 kilometers. See WJKN Application, as amended, at Attachment 14, IRA at Exhibit 1.2.

See WJKN Application, as amended, at Attachment 14, IRA at Exhibits 1.2-1.4; KTGG Application, as amended, at Attachment 1, IRA at Exhibits 1.2-1.4.

notwithstanding the change of transmitter site and relocation of the community of license of KTGG(AM) as well as the change of transmitter site for WJKN(AM), to warrant grant of the WJKN and KTGG Applications.

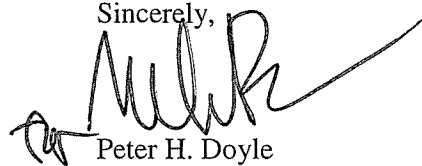
**Conclusions/Actions.** For the reasons set forth above, we find that the facts and circumstances presented to us here establish that grant of the WJKN Application and grant of the KTGG Application will further the public interest, convenience, and necessity.

Accordingly, IT IS ORDERED, that the applications of Spring Arbor University for modification of the facilities of stations WJKN(AM), Jackson, Michigan (File No. BP-20060627ACB), and KTGG(AM), Spring Arbor, Michigan (File No. BP-20080124ACW) ARE GRANTED, subject to the following condition:

The WJKN Application (File No. BP-20060627ACB) and the KTGG Application (File No. BP-20080124ACW) were filed as part of an interference reduction agreement due to prohibited daytime groundwave overlap between the WJKN proposal and the currently licensed KTGG facility. As a result, both PTA and license applications for both stations must be granted simultaneously.

IT IS FURTHER ORDERED, that the March 4, 2009, Informal Objection filed by Christian Family Network, Inc. IS DISMISSED.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", with a long, sweeping horizontal line extending to the right.

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: Spring Arbor University  
Lewis J. Paper, Esq.